File: PM1267/
Finland

KHSonnenfeld:mr
August 9, 1990

MEMORANDUM FOR MR. SMITH

The status of my Philip Morris docket is as follows:

PM1267CIP:

We filed response to 4/26/90 Office Action on June 25, 1990. Although prosecution on the merits had been closed as of 4/26/90 we forwarded additional art to the examiner and requested consideration of amendments made to claims 1 and 18.

PM1267 Foreign:

John Bass of Reddie & Grosse is reviewing the amendments made to the claims in the U.S. application and will consider whether amendments should be made in the foreign cases to correspond to the amendments made in the U.S. In our last conversation John and I agreed that it is likely that such voluntary amendments to the claims would be desirable.

There are three foreign applications presently under review by John Bass. They are:

Finland, EPO and Australia.

Finland: The claims have been rejected based on the Examiner's reliance on von Bethman. The Examiner apparently requests that the claims be amended in certain

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ways which would not put them in a form similar to that of the amended U.S. claims which we feel would be preferable in light of Roselius. Apparently, the Finish agent believes the examiner is short tempered and doesn't want to make him angry by submitting substantially amended claims. In order to determine how best to proceed with this examiner a 4 month extension has been requested to respond to the present office action. A response is therefore due in early December. John told me today that he faxed me a letter examining this situation.

EPO:

The time to request examination is November. Voluntary amendments may be made at this time or later.

Australia:

The application is pending until October during which time amendments may be made, but a 9 months extension of time is possible.

John suggests that a decision on the claims pending in Finland be made which could then be applied to the EPO and Australia.

PM1268:

We filed a Supplemental Statement on June 22, 1990. Prosecution on the merits had been closed with all pending claims allowed on 1/19/90.

Prosecution of the case was suspended on 6/20/90 because "(a) reference relevant to the examination of this application may soon become available."

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On July 2, 1990 Beverly Monroe forwarded to me a recently issued patent to Kraft General Foods. I have not had time to consider this patent.

PM1268 Foreign:

I confirmed with John Bass for purposes of foreign prosecution that the only art cited by the Examiner in this case is art that was first cited by applicants.

PM1294:

In November 1988 I had requested additional information from Philip Morris in connection with this case. As of today no additional work has been done at Philip Morris on this case. I spoke with Harvey Grubbs today regarding this matter and he informed me that he had discussed this case with Jim Schardt (I had telephoned Harvey Grubbs yesterday to inquire into the status of the case) and that no work is to be done in this case in the foreseeable future. He also told me that there will be a patent meeting next week at which time this case will be discussed. It is Harvey's belief that this case will be dropped.

Kenneth H. Sonnenfeld

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